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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Oscar GARCIA-Morales** Defendant(s)	Magistrate Case No. '07 MJ 2571 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

On or about **October 29, 2007**, within the Southern District of California, defendant **Oscar GARCIA-Morales**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Cesar CRUZ, Agustin LOPEZ-Rivera, and Eleuterio SALINAS-Morales**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **31st** DAY OF **October 2007.**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Oscar GARCIA-Morales

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Cesar CRUZ, Agustin LOPEZ-Rivera, and Eleuterio SALINAS-Morales,** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On October 29, 2007, Senior Patrol Agent A. Vela was working the area know as Windmill Canyon. This area is approximately three miles north of the United States/Mexico International Boundary and one mile east of the Otay Mesa, California Port of Entry. Using a hand held scope Agent Vela observed a group of fourteen individuals walking west in the bottom of Windmill Canyon toward Alta Road. Agent Vela continued to observe the group for approximately forty five minutes while they walked west through Windmill Canyon. Agent Vela noticed one individual, later identified as the defendant **Oscar GARCIA-Morales**, remained in front of the group the entire time. The defendant was using hand signals and appeared to use verbal commands to guide the group. At one time, a helicopter flew over Windmill Canyon and the defendant motioned with his hands for the group to stop and duck down, during this time the defendant separated himself from the group by about fifty feet. Once the helicopter left the area, the defendant stood up and signaled for the group to move toward him.

Agent Vela advised Senior Patrol Agent J. Rautherkus and Supervisory Border Patrol Agent J. Filippi about the location of the group and requested their assistance to apprehend the group. Agent Filippi requested for assistance from the CBP Air and Marine helicopter "Omaha". When the helicopter arrived in the area, the defendant again separated himself from the group by about thirty feet and hid in heavy brush. Agent Vela never lost sight of the defendant while he approached him. Agent Vela identified himself as a Border Patrol Agent and questioned the defendant about what country he was a citizen and national. The defendant stated Mexico and was not in possession of any immigration documents that would allow him to enter or remain in the United States legally. The defendant was arrested at approximately 9:45 P.M. Agent Vela then walked towards the thirteen individuals that were following the defendant. Agent Vela asked the individuals about their immigration status and they all said they were citizens nationals of Mexico present without immigration documents that would allow them to enter or remain in the United States legally. The defendant and the smuggled group of aliens were arrested and transported separately to the Chula Vista Border Patrol Station.

DEFENDANT STATEMENT:

The defendant GARCIA was read his Miranda rights and was willing to speak without an attorney. The defendant stated that he was a citizen and national of Mexico. He stated that he was not in possession of immigration documents that allow him to enter or remain in the United States legally. GARCIA stated that this was the eighth time he has been arrested by the Border Patrol. He admitted that on a prior entry, he had successfully smuggled five undocumented aliens into the United States. He was paid $50.00 USD for each undocumented alien. GARCIA further stated that he works for an alien smuggler named Juan who he met in Mexicali, Baja California, Mexico. GARCIA traveled to Tecate, Baja California, Mexico on October 28, 2007 where he met the thirteen undocumented aliens who 'Juan' had arranged for him to smuggle into the United States. GARCIA stated that he then traveled by bus with the group to an area called Las Trancas. This area is approximately five miles west of Tecate, Baja California, Mexico. GARCIA then led the aliens north on foot to

CONTINUATION OF COMPLAINT:
Oscar GARCIA-Morales

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a barbed wire fence. GARCIA stated that he knew from prior entries that this was the United States/Mexico International boundary. GARCIA stated that he guided the group into the United States and traveled until he was arrested by the Border Patrol.

MATERIAL WITNESSES STATEMENTS:

Material witnesses Cesar CRUZ, Agustin LOPEZ-Rivera, Eleuterio SALINAS-Morales all agree in summary to the following: identifying the defendant as the individual who smuggled the group of thirteen undocumented aliens into the United States. They all were to pay from $1500.00 to $2000.00 to be smuggled into the United States. The defendant on several occasions warned the group to get low to avoid detection by Border Patrol. CRUZ states he is a Guatemalan citizen. LOPEZ and SALINAS state they are both citizens of Mexico.